

Testimony By The Honorable James R. Langevin

Chairman Ehlers, Ranking Member Millender-McDonald, and esteemed colleagues on the House Administration Committee, I appreciate your invitation to testify today. I have been proud to work with members of the Committee on matters of great significance - from election reform to continuity of Congress to the accessibility of the Capitol Complex - and I am pleased to join you again today, as both a Member of Congress and a former Secretary of State, to share my experiences about our nation's election system.

When I was elected Secretary of State, Rhode Island had the oldest voting equipment in the nation. Beginning in 1993, as a state Representative and then as Secretary of State, I worked with my colleagues in the legislature, the State Board of Elections, local canvassing authorities and the public to investigate voting problems throughout the state and develop an effective resolution. We successfully upgraded our election equipment, significantly reducing our error rates and making our polling places and machines accessible to people with disabilities. We also implemented the requirements of the National Voter Registration Act - popularly known as "Motor Voter" - which reduced certain longstanding obstacles to registration. These changes were significant, and we ultimately met our goal of increasing the number of registered voters in Rhode Island by nearly 60,000 between 1993 and 2000. Our efforts made Rhode Island a model for electoral participation and accessibility, and I was pleased to help translate those successes to the national level by participating in the development of the Help America Vote Act - a great bipartisan effort of this committee and the most recent success story in Congress's long history of expanding voting opportunities to Americans.

Congress should be proud of its record of removing barriers and increasing the opportunity of all Americans to vote. Though it took us far too long, Congress guaranteed the right to vote to citizens whose only disqualification was the color of their skin. It opened polling places to the disabled. It extended the franchise to Americans living overseas. It enabled all citizens in our mobile society to register and reregister with ease. It did all this on a bipartisan basis. It did this while maintaining the integrity of our elections.

Over the past five decades, Congress has never seriously entertained legislation that would reduce participation. Regrettably, H.R. 4844 would have that effect and mark a dangerous departure from past efforts. Should this bill become law, fewer eligible citizens will be able to vote. It is easy to imagine individuals who would be disenfranchised under this bill. It could be a lance corporal in Tikrit whose parents failed to include a birth certificate in her duffel bag. It could be the Mississippi sharecropper born in his family home in a county that had no interest in recording his birth. It could be a fisherman in Saint Bernard Parish unable to find the public records of his life in the wake of Katrina's destruction. It could be the naturalized citizen who, because of a

government clerk's error, cannot obtain a copy of his naturalization papers. Maybe it is an elderly Rhode Island resident who leaves her home of fifty years to enter an assisted living facility. Maybe it's an eighteen year-old student, registering for his first election, who neglected to bring his birth certificate with him. The list could go on and on. However, all of these people have one thing in common. Once they are turned away from registering because of a lack of documentation, it is unlikely that they will return. They will drop out of the nation's election system because it failed them.

Let us be very clear. Passage of H.R. 4844 would have an adverse impact on how our elections are administered, as well as a detrimental effect on voter participation. Not only would the bill make it harder for nearly every American citizen to register to vote, but it would also add massive new compliance requirements for election officials. How many eligible citizens will not vote because of the barriers created by this bill? Is it hundreds of thousands? Is it millions? Do the sponsors know? How much fraud, if any, will this bill deter? From my experiences in Rhode Island and other stories in the public record, the type of fraud that this bill is intended to deter is virtually non-existent. Do the sponsors have evidence to the contrary? And if the main justification for this bill is to prevent non-citizens from voting, it is unnecessarily duplicative, since federal and state penalties already exist in this area and should be enforced. Under federal law, fraudulent voter registration is a felony punishable by five years in prison. So as the Committee considers this bill, one simple question matters: is Congress willing to disenfranchise possibly millions in an effort to address the elusive fraud that the sponsors fear?

There are real threats to the integrity of our election system, and this bill addresses none of them. There are the new registrants who, through no fault of their own, will not appear on the voting rolls because the state is unable to properly match their registrations with other public records. There are the millions of eligible voters whose votes will not be counted because of unduly restrictive provisional ballot rules. There are the thousands of voters who are not being given the opportunity as required by law to register at public assistance agencies, and similar numbers whose registrations are not transferred from the motor vehicle department in a timely manner. Why are those problems not being addressed?

In closing, I would like to return to a point that I made earlier in my statement: this Congress has wisely never passed election legislation which did not have substantial bipartisan support or which restricted electoral freedoms. Unfortunately, this hearing suggests that this fine tradition may be endangered. Our election laws should not be a matter of political calculation but a preservative of our most precious right, the right to vote.

